

Case No. 07 CV 6211 (Scheindlin)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Alan Newton,

Plaintiff,

v.

The City of New York, *et al.*,

Defendants.

**SUMMONS WITH PROOF
OF SERVICE ON
DEFENDANT HARRIS**

LAW OFFICE OF JOHN F. SCHUTTY P.C.

Attorney for Plaintiff

445 Park Avenue, 9th Floor
Borough of Manhattan
New York, New York 10022
(212) 836-4796

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

ALAN NEWTON,

SUMMONS IN A CIVIL CASE

v.

THE CITY OF NEW YORK, et al.
(See Attached Rider "A" for list of other
Defendants)

CASE NUMBER:

07 CV 6211
JUDGE SCHEINDLIN

TO: (Name and address of defendant)

The City of New York
c/o Comptroller of the City of New York
1 Centre Street
New York, NY 10007 (See Attached Rider "B" for list of other Defendants)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John F. Schutty, Esq.
Law Office of John F. Schutty, P.C.
445 Park Avenue, 9th Floor
New York, NY 10022

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(BY) DEPUTY CLERK

JUL 03 2007

DATE

ALAN NEWTON

Plaintiff(s)

Index # 07 CV 6211 (SCHEINDLIN)

- against -

Purchased July 3, 2007

THE CITY OF NEW YORK, ETAL

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on September 24, 2007 at 03:33 PM at

C/O NYPD
POLICE ACADEMY
235 EAST 20TH STREET
ROOM 617
NEW YORK, NY 10003-1801

deponent served the within SUMMONS AND COMPLAINT; INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN; INDIVIDUAL RULES AND PROCEDURES JUDGE SHIRA A.* on DETECTIVE "JOHN DOE" HARRIS S/H/A ROLAND HARRIS therein named,

SUITABLE AGE

by delivering thereat a true copy of each to OFFICER MARTINEZ #8318 a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. She identified herself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BROWN	BROWN	40	5'3	145

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on September 25, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

MILITARY
SERVICE

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

*SCHEINDLIN

Sworn to me on: September 25, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010

BYRAN E. MCELDERRY
License #: 869802
Invoice #: 447932

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: September 25, 2007

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Notary Public, State of New York
No. 02GR4699723
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